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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,859	10/05/2000	Masahiro Sone	33108/JEC/F179	2823

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EXAMINER
HECK, MICHAEL C

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/684,859	SONE, MASAHIRO
	Examiner	Art Unit
	Michael Heck	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 October 2003</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2,3_ .	6) ☐ Other: .

DETAILED ACTION

1.   The following is a First Office Action in response to the application filed 05 October

2000. Claims 1-36 are pending in this application and have been examined on the merits as

discussed below.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

include the following reference sign(s) not mentioned in the description: 68. A proposed drawing

correction, corrected drawings, or amendment to the specification to add the reference sign(s) in

the description, are required in reply to the Office action to avoid abandonment of the

application. The objection to the drawings will not be held in abeyance.

Specification

3.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the
title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"
"The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure exceeds the 150-word limit.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5.   Claims **1-20, 22, 23, 25-28, 30, 31**, and **33-36** are rejected under 35 U.S.C. 102(a) as

being anticipated by Kennedy (Kennedy, Roadnet Technologies Announces Release of

MOBILECAST™ Wireless Dispatch and Delivery Solution; Product Enables Breakthrough

Customer Service, Pr Newswire, New York, 29 October 1999 [PROQUEST]) and Truck Fleet

Management (Truck Fleet Management, Technology Browser, Truck Fleet Management,

Norwalk, Vol. 78, Issue 5, May 2000, p.56-57 [PROQUEST]). The Examiner has taken both

articles as one since the Kennedy and Truck Fleet Management articles address Roadnet

Technologies MOBILCAST™ system.   Kennedy and Truck Fleet Management disclose a

system and method for continuous delivery schedule including automated customer notification

comprising:

- [Claim **28**] creating a delivery schedule for a plurality of deliveries (Kennedy: Para 3, Kennedy teaches MOBILECAST™ enables companies to communicate with their delivery personnel and view their movements in real-time. Daily rout plans are downloaded to delivery personnel's handheld computers that are used to indicate which stops have been completed and when.   This information is transmitted wirelessly to a server running back at the dispatch center. The system then calculates accurate estimated time of arrival (ETA) information for all remaining stops. The examiner interprets that an original delivery schedule is created then modified, as updates are received.);

- updating the delivery schedule for real-time maintenance of the delivery schedule (Kennedy: Para 3, Kennedy teaches MOBILECAST™ enables companies to communicate with their delivery personnel and view their movements in real-time. Daily rout plans are downloaded to delivery personnel's handheld computers that are

used to indicate which stops have been completed and when. This information is transmitted wirelessly to a server running back at the dispatch center. The system then calculates accurate estimated time of arrival (ETA) information for all remaining stops.);

- transmitting a selected portion of the delivery schedule to a remote customer, the selected portion of the delivery schedule notifying the customer of a scheduled delivery (Kennedy, Para 4, Kennedy teaches that e-business enabled companies who use MOBILECAST™ can choose to make real-time ETA information readily available to their customers via the internet, for a web-based, self service option similar to the instant package tracking that has been standard in package delivery.);

- receiving a delivery change request from the customer (Truck Fleet Management, Para 1, Truck Fleet Management teaches MOBILECAST™ delivery management system specializes in packaged and customizable tools that enable e-businesses to offer service through online, customer self-scheduling of deliveries. The examiner interprets that customer self-scheduling includes a delivery change.); and

- modifying the delivery schedule based on the delivery change request (Truck Fleet Management, Para 1, Truck Fleet Management teaches MOBILECAST™ delivery management system specializes in packaged and customizable tools that enable e-businesses to offer service through online, customer self-scheduling of deliveries. The examiner interprets that customer self-scheduling includes a delivery change that modifies the delivery schedule.).

- [Claim 30] the delivery change request includes a request to change the estimated delivery time (Truck Fleet Management, Para 1, Truck Fleet Management teaches MOBILECAST™ delivery management system specializes in packaged and customizable tools that enable e-businesses to offer service through online, customer self-scheduling of deliveries. The examiner interprets that customer self-scheduling includes a delivery change that modifies the delivery schedule.).

- [Claim 31] the delivery change request includes a request to change the delivery location (Truck Fleet Management, Para 1, Truck Fleet Management teaches MOBILECAST™ delivery management system specializes in packaged and customizable tools that enable e-businesses to offer service through online, customer self-scheduling of deliveries. The examiner interprets that customer self-scheduling includes a delivery change that modifies the delivery location.).

- [Claim 33] transmitting the delivery schedule information to a delivery employee (Kennedy: Para 3, Kennedy teaches MOBILECAST™ enables companies to communicate with their delivery personnel and to view their movements in real-time. Daily rout plans are downloaded to delivery personnel's handheld computers that are used to indicate which stops have been completed and when. This information is

transmitted wirelessly to a server running back at the dispatch center. MOBLECAST™ calculates accurate estimated time of arrival (ETA) information for all remaining stops and alerts users to anticipated service issues before they develop into service problems. The examiner interprets user to be delivery employee and that the revised ETA is transmitted to the user.).

- [Claim 34] receiving a delivery completion message of a particular delivery from the delivery employee, the delivery completion message including an actual delivery time (Kennedy: Para 3, Kennedy teaches the handheld computers are used to indicate which stops have been completed and when).

- [Claim 35] modifying the delivery schedule information based on the actual delivery time (Kennedy: Para 3, Kennedy teaches the handheld computers are used to indicate which stops have been completed and when. This information is transmitted to a server at the dispatch office that calculates accurate estimated time of arrival (ETA) information for all remaining stops.).

- [Claim 36] determining when the selected portion of the delivery schedule information is to be transmitted to the remote customer (Kennedy, Para 4, Kennedy teaches that e-business enabled companies who use MOBILECAST™ can choose to make real-time ETA information readily available to their customers via the internet, for a web-based, self service option similar to the instant package tracking that has been standard in package delivery. The examiner interprets the phrase "can choose" to mean, "determining when".).

Claims **1-20, 22, 23,** and **25-27** substantially recites the same limitations as that of claims 28, 30, 31, and 33-36 with the distinction of the recited method being a system and computer. Hence the same rejection for claims 28, 30, 31, and 33-36 as applied above applies to claims 1-20, 22, 23, and 25-27.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims **21, 24, 29**, and **32** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kennedy (Kennedy, Roadnet Technologies Announces Release of MOBILECAST™ Wireless

Dispatch and Delivery Solution; Product Enables Breakthrough Customer Service, Pr Newswire,

New York, 29 October 1999 [PROQUEST]) and Truck Fleet Management (Truck Fleet

Management, Technology Browser, Truck Fleet Management, Norwalk, Vol. 78, Issue 5, May

2000, p.56-57 [PROQUEST]) as applied to claim 28 above.   Kennedy discloses the

MOBILCAST™ solution bundles powerful dispatch, tracking, and delivery management

software functionality with handheld computers communicating over two-way wireless data

networks. The system offers a company access to the same type technology used by companies

like United Parcel Services (UPS) to manage their mobile operations. When deliver personnel

indicate on their handheld computers which stops have been completed and when, the

information is transmitted to an Oracle-based server application running back at the dispatch

center and displayed on digital maps. The server then calculates accurate estimated time of

arrival (ETA) information for all remaining stops (Para 1 and 3). As to claims 29 and 32,

Kennedy and Truck Fleet Management do not expressly disclose creating the delivery schedule

information based on a shortest-path algorithm and the step of recalculating a delivery cost based

on the delivery change request. However, Examiner takes Official Notice that creating the

delivery schedule information based on a shortest-path algorithm and recalculating a delivery

cost based on the delivery change request is old and well known in the transportation and

business art. It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to incorporated a shortest-path algorithm and delivery change cost

recalculation means with the teachings of Kennedy and Truck Fleet Management since Kennedy and Fleet Truck Management teach that it is old and well known in the logistics and distribution art to empower the delivery work force to achieve efficiency and service while enhancing the customer experience (Kennedy: Para 2). For example, a shortest-path algorithm is used by the U.S. Navy to calculate the great circle route from point A to point B to minimize the time it takes to transit from point A to point B. Also, businesses recalculate cost of services based on change orders. Examples include an automobile repair shop that when change order is made, an adjusted cost to the original order is identified and communicated to the customer. Companies are constantly looking for the competitive edge by relying on productivity improvements and added services to entice potential customers to do business with them. Getting rid of non-value added cost improves productivity and helps the company maintain its cost competitiveness. Also, being flexible in services offered makes the company more attractive to customers since they are molding their services to match the total customer requirements, thus, making them more attractive to do business with. Therefore, reducing the non-value added cost improves efficiency and the added offer of flexible services enhances the customer experience.

Claims **21** and **24** substantially recites the same limitations as that of claims 29 and 32 with the distinction of the recited method being a computer. Hence the same rejection for claims 29 and 32 as applied above applies to claims 21 and 24.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shah (Shah, FedEx Readying Product Suite to Provide Package Tracking, Electronic Buyers' News, Issue 1228, 11 September 2000 [EBSCO]) discloses FedEx is preparing a suite of products to access tracking information via the Web. Application Programming Interface (API) allows customers to integrate FedEx shipping, tracking, rate-quote, and e-mail notification capabilities into their Web sites, e-commerce platforms, intranets, or other online systems and applications.

- Business Editors (Business Editors, Descartes-Versatile Solution for Home Delivery and Consumer Direct Gains Rapid Adoption by Internet Grocers, Business Wire, New York, 11 July 2000 [PROQUEST]) discloses Descartes' leading Web-based scheduling and route optimization solutions, Versatile's leading wireless mobile workforce automation solutions, and the Web-based customer self-scheduling and customer relationship programs. VersaROUTE solutions enable real-time information exchange for monitoring delivery activities.

- Boulton et al. (Boulton et al., United Parcel Service: Moving at the Speed of Business, Boulton and USW, copyright 1999 [GOOGLE]) discloses UPS' TotalTrack, which is based on a nationwide cellular mobile data system, provides customer with tracking information for all bar-coded air and ground packages. UPS Online Tools include enhanced tracking that enables shippers and customers to track packages using their own internally generated reference number. The tools also enable a merchant's customer to compare UPS published rates for the different levels of UPS service and select the service that best meets the need. Merchants can customize their rate tables to include a handling charge.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The

examiner can normally be reached Monday thru Friday between the hours of 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(703) 872-9306   [Official communications; including After Final communications
                            labeled "Box AF"]

(703) 746-9419   [Informal/Draft communication, labeled "PROPOSED" or
                            "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,

Arlington, Virginia, 7th floor receptionist.

mch
6 November 2003

Susanna Diaz
Susanna Diaz
Primary Examiner
AU. 3623